

## REMARKS

Claims 1, 2, 5-7, 11-16, 26-28, 30 and 31 are currently pending in this application.

Claims 1, 2, 5-7, 9, 13, and 26-28 stand rejected under 35 U.S.C. § 102(e) as anticipated by Olsen (U. S. Patent No. 6,764,475). This ground of rejection is respectfully traversed.

In order for a claim to be anticipated by a reference, that reference must disclose each and every element of the claimed invention. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."); see also *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the . . . claim.").

The Examiner states that Olson discloses an absorbent article comprising a main body having a first main body waist portion, a second main body waist portion, and a central main body waist portion joining the two. The Examiner also states that Olson discloses elastic side panels extending outwardly from both the first main body portion and the second main body portion. However, applicant submits that this is not the case.

The Examiner's attention is respectfully directed to Figures 2 and 3 of Olson which clearly depict that side panels 34 attached to only one of the main body waist portions. The remainder of the main body of the Olson configuration does not include a side panel portion extending laterally outward from the waist portion as required in the present claims. Compare the Olson configuration with FIG. 2, for instance, of the present application.

Moreover, Figures 2 and 3 of Olson clearly show that the side seam edges are straight, not curved as required in the present invention. Accordingly, it would not be possible for the Olson garment to have first and second side seam angles as also required in the present claims.

In view of the above, there is absolutely no basis for contending that Olson anticipates the claims of the present invention.

Claims 10-12, 14-16, and 29-31 have been rejected under 35 U.S.C. § 103(a) as

being obvious over the Olson reference. This ground of rejection is also traversed.

Three criteria must be met to establish a prima facie case of obviousness: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all the claim limitations [MPEP § 2143].

The examiner states that it would be obvious to modify the Olson reference in order to provide seam angles within the desired ranges. However, as noted above, Olson does not disclose the use of side seam angles at all. Nor does Olson recognize the utility of using side seam angles to enhance the comfort and fit of the garment for the wearer. Accordingly, one skilled in this art would not be motivated to modify Olson as suggested by the Examiner since the basis for the modification is not disclosed in Olson.

In view of the aforementioned facts and reasons, this application is now believed to overcome the remaining rejections, and to be in proper condition for allowance. Reconsideration of the rejections and allowance of this application are therefore respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below to facilitate the prosecution of this application.

Dated: 5 / 8 / 06

Respectfully submitted,  
Gosz and Partners, LLP,

William G. Gosz  
William G. Gosz  
Reg. No. 27,787  
Attorney for Applicant  
450 Bedford Street  
Lexington, MA 02420  
Tel No. 781-863-1116